G. R. S. 58]

*Previous references*

File No. 6 of 1875

Serial Nos. 1-7, 9-13 & 15-18

~~191~~ .
(Judicial (Courts))

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.*

Part B for March 1878

SUBJECT.

Introduction of uniform Registers of levy of Court Fees Stamps in several Courts of the Sta

Index

Marginal Note

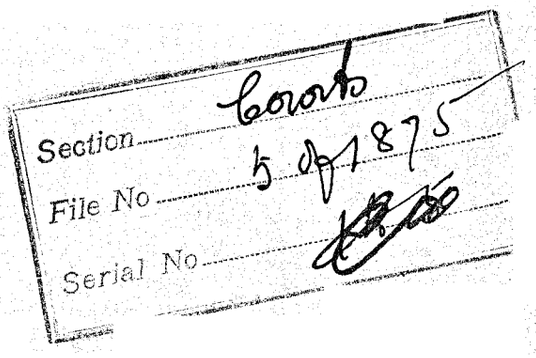
W D 1351—GPB—20,000—18-12-13

No 415.

MYSORE COMMISSION

Memorandum

Letter No. 1821/181 dated 3rd November 1877 from the Judicial Commissioner in Mysore.




The object of the Government of India is to secure uniformity of practice in keeping an account of the fees realized under the Court Fees Act - The Forms now prescribed by Government are intended to show ~~yearly~~ daily the fees realized in each Court, whereas the existing forms (with the exception of Form B relating to process and Form No 9 Register of Copies granted) are intended to show the Stamp duty paid and other costs incurred by parties in each case separately

2 For instance in Register No. 8 has to be shewn the Costs of Plaintiff and Defendant under two different heads. This Register cannot be filled up till a case is finally decided, and there must be a page left for each suit.

3. Likewise Register No. 18 is intended to shew the costs of each criminal case separately.

4. Both the above Registers do not show what amount of fees are realized daily in each Court.

5. Register No. 20 is similar to No. 18, but is confined to appeal Suits.

6. Form No. 9 is a Register of Copies of Judgment &c granted

7 Form B is a daily Register shewing the number of processes issued and the stamp fees collected. This

is the only Register which shews the fees collected daily but only as regards processes. I may here mention that altho' the above are the only Registers authorized to be Kept, a Rough Register is kept in some of the Courts shewing what Stamp duty has been paid daily on account of Plaints, petitions, &c^a. It is with the aid of this rough Register, and by reference to the records of each case Forms Nos 8 and 20, are filled up.

Not kept unauthorizedly. I think get a copy of the Rough Register if necessary - Not necessary Stamp

8. Now the Government of India have prescribed two forms to be Kept, one for Civil Courts and one for Criminal and Revenue Courts.

9. Form I (for Civil Courts) is intended to shew the Court Fees daily realized both

both on account of Process and Plaints &c. Col: 2 has been set apart for "Process Fees". Column 2 should shew the Stamp duty paid on Plants and Petitions and for Copies of Judgments &c. In Column 3 has to be entered only the duty paid on Letters of administration, Probates, and Certificates of heirship. In Column 4 has also to be shewn the fees paid on Miscellaneous Plaints, Petitions, &c. specified in Schedule II of the Act.

10. I think this new Form I, may be easily kept in all the Civil Courts. It will not entail much labor. Just as Plaints & other documents are received, they will be entered in the Register noting in the Column of "Remarks" the names of the parties, and

MYSORE COMMISSION

and the numbers of the suits or petitions. At the close of the day, the items may be totalled up. In fact this Register would be a substitute for the present rough Register which I know is kept in the Bangalore and Kolar Judicial Assistants' Courts.

11. Form II prescribed by Government is intended to shew the Court Fees realized in Revenue and Criminal Courts. But the Revenue Courts in Mysore try regular cases relating to rent, proprietary rights &c., the stamp duty on which is payable as in Civil Suits. The form does not admit of details being shewn as in the case of Civil Suits; this appears to be a defect. Under column headed "other fees" will Rao

will
have to be shown all fees
realized in the Revenue Courts
tho falling under the several
heads specified in Columns
3 and 4 of Form No. I.

R. Thumboo
17/11/77

The Forms may be
prescribed & adopted
(Whether Mandatory in
the Courts of Law is
the present form suffice,
it is thought that Form
No I is required, & the
the Courts have allowed, the
departure has been
supplied by a Single
Explanation their answers
to Queries.
Form No II may be
applicable to Criminal
Courts only, & for
reasons shown, that
Courts to the procedure
of the Rev. Courts. If
necessary, this application
to the latter Courts may
deal with separately.
If approved, the rule
may be prepared dealing
the use of these forms
which may come into
force on 1st January

19/11/77

Approved
19/11/77

AR (21)

MYSORE COMMISSION

Memo: in continuation of No. 415 dated 17 November 1877.

12 As directed in the concluding portion of the foregoing orders, the Dy. Comrs and Supts of Coorg were requested to submit their views with regard to Form I being brought into use in the Revenue Courts

13. The Comrs of Ashtagram and Nagar state that the Form No. I may be introduced, but the Hanadowag Dy. Comrs recommend the following modification

modifications in the above Form.-

Columns 3 and 5 to have sub Columns to distinguish the regn. by ations under the several clauses of Schedule I and II. and Col: 4 is to be omitted as it is not applicable to the Revenue Courts.

4. The Dy Commrs. of Shimoga, Kadur and Kolar also suggest, in their replies to the several Comrs. that Column 4 may be omitted.

5. The Dy Comrs. of Mysore

This is unnecessary. The Govt of India stated in para 5 of their letter printed with G.O. No. 7756 dy 29 Nov last that the entries in Form I need not be made in detail but only to show the aggregate value of the stamps sold in the Court each day. For the purpose of indicating under what particular clause the stamps duty has been levied a note may, if necessary be made in the Column of remarks — All

This form is to take the place of the many heads under which receipts & refunds are now entered, but it is believed perhaps to clear in form entered by

Income states, without assigning any reasons, that the Form is not needed.

16 The Supt. of Govt. States that Form No. 1 is ~~xxxxxxx~~ suitable for Rev: Courts as the procedure in Rev: Cases is similar to that in Civil Cases.

17. As the Govt of India have inserted Form II for adoption by the Revenue Officers, may be pointed out, that it is intended to the procedure practised in the Civil Courts in Bengal when parties elected to use Form I

18 The Commissioner of Income Tax awaits the approval of Govt.

12. 5-78

Courts may be
continued & use
Form II at once

P.P. Thumboo Cg
11/3/78

Para 1 The Order
of 29 Nov prescribed
the adoption of two Forms
II & Criminal Courts
already in

No Mus.

Record Vol 580

The Judge Com Cg
Thumboo considers
that in order to
enter the total daily
in Form I a separate
Rough Reg should be
opened as the
salary stamps
affixed & Solicitors
fees rendered in the
Reg of Rents. The
Com thinks the
latter course may
be adopted Stamps
do too.

P.P. Thumboo Cg
11/3

I do not think the
keeping of such a Book,
as some such Record
the Interpreter & use
& Solicitors compelled
in daily Work. In fact
in this Div Form I &
Rev Courts will not contain
any entries for the 1st &
Rev Cases & unimportant
Civil Cases will be specially
& totally in Daily Appeals
Interpreter Cg

13/3 Deputy Com Mus
13.3.78
Draftsman
Com 13/3

MYSORE COMMISSION.

Memo.

The Secretary to the Government of India in the Financial Department requests opinion as to the expediency of continuing to keep up the registers of fees paid by stamps distinguishing process fees from other fees, and states that in paragraph 11 of letter from the Financial Department, it was prescribed that registers of fees paid by stamps should be kept in each court distinguishing process fees under Chapter II of the Court Fees Act from other fees paid under Schedule I & 2, that it was also directed by financial notification that these registers need not be kept in great detail, that the register of process fees is essentially necessary for regulating process serving establish-

ments

MYSORE COMMISSION

months, and that a
question has arisen
as to the expediency
of continuing to keep
up the Register of fees
levied, under Schedules
1 and 2. — He is also
stated that His Excellency
the Governor General
in Council is inclined
to think that these Registers
are the best means of
ascertaining the net
cost of each Court, and
that they afford
valuable statistical
information, and should
therefore be continued,
if their compilation
does not involve labour
disproportionate to their
value. —

2 In May 1870 the
Judges of Surat requested
to know whether by para
-G. of Sch II of Government
of India, letter in the
Financial Department,
it was intended that
the Register should show
the particular Article
in Schedules 1 & 2 under
which each fee is levied

No 1056 d/ 27th May 1870

statues

stating that he can hardly suppose that such details as required for the labour involved in keeping them would be very great and the advantage derived would be but small.

3. In reply it was stated that paragraph 11 of the above letter appears only to require that the register of process fees should be kept distinct from the register of fees levied under schedules 1 & 2 of the Court fees Act of 1870, and that it will not be necessary that the register of the scheduled fees should shew the particular article under which each fee entered has been taken

4. There are three registers kept for process fees under chapter 4 of the Court fees Act viz for accompanying forms Viz

No 6 Register showing the receipts of stamps by the

the costs incurred
by the parties in original
suits, execution, and
miscellaneous cases,
and petitions. (marked
A.)

No 18 Register of receipts
of stamps and costs
incurred by parties
in criminal cases. —
(marked B.) —

No 20 Register of
stamps and costs
in Appeal suits
(marked C.)

There are also 5
other forms of Registers
Court fees Rules & Acts
Schedules 1 and 2, as
published in page 430
in the Mysore Gazette
dated 10th August 1892.

Form A shewing the
date of delivery of each
process and the date
of the return made

Form B is the daily
Register shewing the
number of processes
issued, and the stamp
fees collected in the
Court —

Form C is also a daily
Register

MYSORE COMMISSION.

Register shewing the
number of Processes
received from other
Courts for service
within the jurisdiction.
Form D is the abstract
statement shewing
the number of Process
issued, and the amount
of stamp fees collected.
Form E is the Process
Establishment pay
bill of the Court.—

6 The above letter
from the Government
of India may perhaps
be referred to the Judl.
Commissioner for
his opinion, as to the
expediency of continu
-ing to keep up the
registers of fees paid
by stamps distinguish
-ing process fees from
other fees—

G. M. Chrisanthopa
13/7/75—

Yes. Kindly do so
14/7

GK
15/7/75

Memo 11

The

MYSORE COMMISSION.

The Government
letter was accordingly
sent by a copy to the
Judicial Commissioner
for his opinion on the
points referred to. —
2 Mr. Pinsep
states that he has
no objection to the
continuation of the
preparation of the
Registers of Fees
levied under
Schedules I and II
of the Court Fees Act,
if it is thought necessary
to provide the
detailed statistical
information. —
J. H. Garrard Esq.
27/7/75. —

No. 3208 dy 16th July 1875
695

No. 1077 dy 22nd July
1135

The question whether it is necessary to register fees paid under Chap IV Court Fees Act, separately from those paid under Scheds I & II of the Act — and some particulars whether the latter Registers is separately maintained.
Put up Court Fees Act, and Retrial these papers &
Capt. Sudlow & Pinsep
29/7 [illegible]

The question is "Is it Expedient to continue to keep up a register of fees levied under Schedules I & II of the Court Fees Act?

Only three forms A, B, H appear to be kept and are necessary & not only as a matter of account but in order to allow of the Courts calculating the costs in civil

8/9 J. Gill

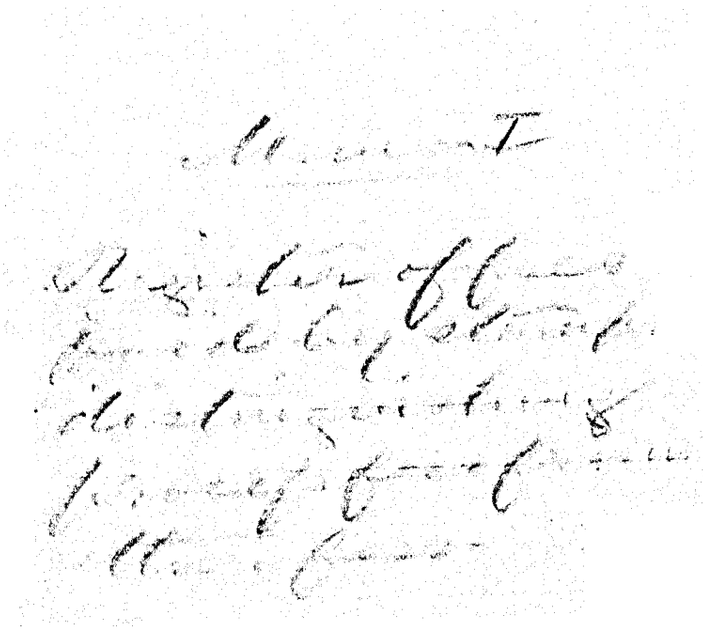
Sir — the Govt of India expect to address the Govts of Madras & Bombay

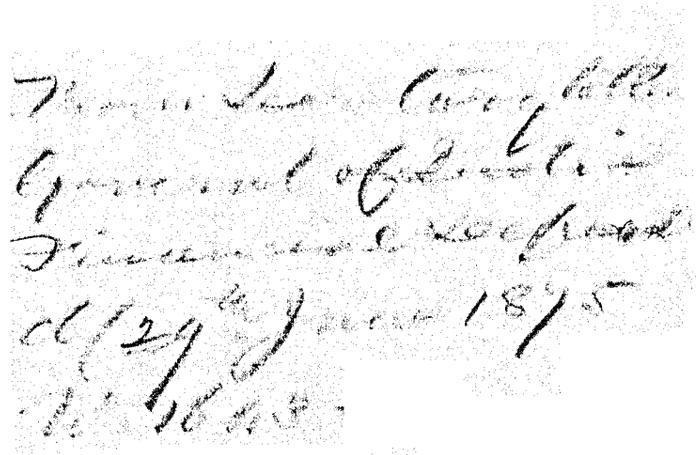
11/9

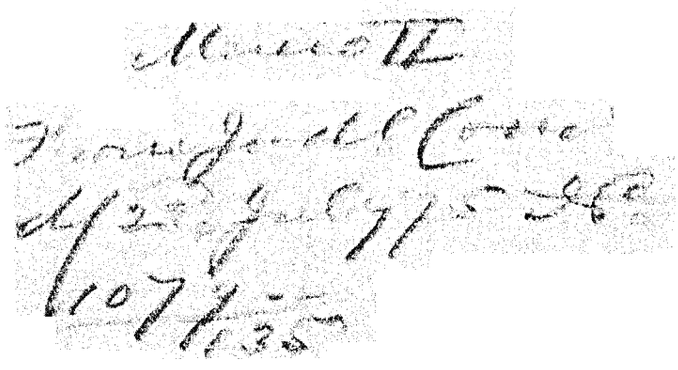
Mr Maybee

done

11/9.







~~From~~

To The Offg Jud.l Commr
in Mysore.

Dated 16th July.

Despatched

Received

ENCLOSURES NO.

General No. 2288 } 1875-76.
No. 6935

Letter No. 1643 d/ 29th June/75, from the Govt of India Fin.l Depart, regarding ~~a question as to~~ the expediency of continuing to keep up the Registers of Fees ~~paid by Stamps~~ under Schedules I and II of the Court Fees Act

Forwards copy of the ~~an~~ Papers noted in above ~~for opinion~~, and Commr's opinion on the point referred to. "By order"

Offg Secretary.

B.H.

4

Subject 65:
File No 5 of 1875
Serial No 1

P86

1875/76

From The Offg Asst. Commissioner in Bhyana

To

Secretary to Chief Commissioner,
General Department.

Dated 23rd July 1875.

Despatched 26th "

Received 27th " Date 27th "

ENCLOSURES NO.

General No. 1049 } 1875
No. 135

Section
File No. 5 of 1875
Cover No. 3

Vide Commissioner's No. 2 dated 26th Instant

Vide Page 2

Referring to this office No. 3205 dated 16th Instant, states that he sees no objection to the discontinuation of the preparation of the Register of fees levied under Schedules I and II of the Court Fees Act

Ex. 1079
135

Mysore Ind.l Commrs Office
Bangalore 23rd July 1875.

From.

A. T. Sprnep Esquire
Offg Judicial Commissioner
of Mysore.

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir.

Adverting to your docket No 3208/695 dated 16th Instant, forwarding for my opinion copy of a letter from the Government of India regarding the expediency of continuing to keep up the Registers of fees levied under Schedules I & II of the Court Fees act, I have the honor to state that I see no objection to the continuation of the preparation of these Registers if it is thought necessary to provide the detailed Statistical information

I have the honor to be
Sir
Your most obedient Servt

Offg Jud.l Commissioner

No 8 Register shewing the receipt of stamps and the costs incurred by the parties in
Original Suits, Execution and Miscellaneous Cases and Petitions.

| Serial number | No of the case as per Register | Plaintiff | | | | | Defendant | | | | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Value of stamps on Petitions | Value of other stamps | Process and other costs | Value of stamps on Reviews Petitions | Total | Value of stamps on Petitions | Process and other costs | Value of stamps on Reviews Petitions | Total | |
| | | | | | | | | | | | |

No 8

Register showing the Receipts of stamps and the costs incurred by the Parties in original suits, execution and Miscellaneous cases and Petitions.

No. 20

Register of stamps and costs inadvertently omitted.

No. 20 Register shewing the receipt of stamps and costs incurred by the parties in Appeal suits.

| Serial number | Appellant | | | | | | | Respondent | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number of the cases as per Register of Appeals | Value of stamps in Memo of Appeal | Value of other Stamps | Process and other costs | Value of stamps refunded | Value of stamps on review petitions | Total | Value of stamps on Memo of Objections | Value of other stamps | Process and other costs | Value of stamps on review petitions | Total |

No. 18 Register showing the receipts of stamps and the costs incurred by the parties in criminal cases.

| No. of the case | Value of stamps on petitions | | | Value of other stamps | | | Process and other costs | | | Amount of fees under Sec 21 of the Court Fees Act | | | | | | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | Amount awarded to complainant | | | Amount paid to complainant and date of payment | | | |
| | Rs. | As. | P. | Rs. | As. | P. | Rs. | As. | P. | Rs. | As. | P. | Rs. | As. | P. | Date |

No 16

Register of
receipts & returns
and costs incurred
by parties in
Criminal cases

# List of Civil Registers -

| Nos | | |
|---|---|---|
| 1 | Plaints | rejected |
| 2 | Civil Suits | |
| 3 | Execution cases | |
| 4 | Miscellaneous cases | |
| 5 | do Petitions | |
| 6 | Small causes. | |
| 7 | Pauper Suits | |
| 8 | Stamps - | |
| 9 | Copies - | |
| 10 | Documents returned | |
| 11 | Letters received - | |
| 12 | do despatched | |
| 13 | Records made over to record dept | |
| 14 | Record given out | |
| 15 | Cash - | |
| 16 | Ledger - | |
| 17 | Stamp penalty | |
| 18 | Miscellanious appeal | |
| 19 | Appeal - | |
| 20 | Costs in appeal - | |

To be placed in File.

**O. or M.** 69

No. 3339

Date 21-9-77

From

or

To

31-10-77

Etc.
5 of 1875
H

Serial No.

forms now prescribed by Govt are intended to show daily the fees realized in each Court, whereas the existing forms (with the exception of Form 6 relating to processes & Form No 9 - Register of cases panels) are intended to show the stamp duty paid and other costs incurred by parties in each case, separately.

For instance in Regr No 8 has to be shown the costs of plff & deft under two different heads. This Regr cannot be filled up till a case is finally decided and there must be a pile left in each Court.

Likewise Regr No 18 is intended to show the costs of each criminal case separately.

With the above Registers do not show what amount of fees are realized daily in each Ct.

Regr No 20 is similar to No 18 but is confined to appeal suits.

Form No 9 is a Register of cases of Judgment granted

Form B is a daily Register showing the No of processes issued & the Stamp fees collected. This is the only register which shows the fees collected daily but only as regards processes

I may here mention that altho the above are

1877.78 152

From The Judicial Commissioner in Mysore

To

Secretary to Chief Commissioner, General Department.

Dated 5th November 1877

Despatched 8th

Received 8th

Rs 2-10

ENCLOSURES NO. 5.

General No. 1882 / No. 2/81 } 1877—78.

Referring to his No. 6719 dated 17th Ultimo, 533 stated that the existing Registers for stamps filed in the Courts in Mysore and Coorg afford all the information required by the Govt of India, and the Judicial Commissioner does not therefore consider it desirable to recommend the adoption of the new forms of Registers.

Since writing the above I have received from the Superintendent, Bangalore, a Register which has been prepared for the purpose of showing the fees realized daily in each case, and I have requested that the Superintendent may be directed to submit a specimen Register for the inspection of the Judicial Commissioner.

The object of the Govt of India is to secure uniformity of practice in keeping an account of the fees realized under the Court Fees Act. The

other documents are read. They will be entered in the Reg. noting in the column of "Remarks" the names of the parties, and the nos of the suits or petns. At the close of the day the stems may be totalled up. In fact this Register would be a substitute for the present Rough Register which I know is kept in the Bangalore & Kolar Judicial Offices.

Form II presented by Govt is intended to show the Court Fees realized in Rev and Criml Offices. That the Rev: Offices in Mysore try regular cases relating to rent, pre-emptory rights &c. the stamp duty on which is payable as in Civil Suits. The form does not admit of details being shown as in the case of Civil suits; thus appeals &c are a defect. Under column headed "Other fees" has to be shown all fees realized in the Revenue Offices, the following under the several heads specified in columns 3 to 4 of Form No 1.

17/11/77

the only Registers authorized to be kept, a Rough Reg is kept in some of the Offices showing what stamp duty has been paid daily on account of plaints, petitions &c. - From which the aid of this Rough Register and by reference to the records of each case Forms Nos 8 & 20 are filled up.

Now the Govt of India have prescribed two forms to be kept, one for Civil Offices and one for Criml Offices.

Form I (for Civil Offices) is intended to show the Court Fees daily realized both on account of Process and plaints &c. Col 2 has been set apart for "Process Fees". Col 2 shd show the stamp duty paid on plaints & petitions & for appeals & Judgments &c. In Col 3 has to be entered only the duty paid on Letters of Admn Probates and Certificates of Guardianship. In Col 4 has to be shown the fees paid on Miscellaneous plaints, petns &c. specified in Schedule II of the Act.

I think that Form I may be easily kept in all the Court Offices. It will not entail much

№ 1821/181

Mysore Judl. Commissioner's Office
Bangalore 3d. November 1877.

From

J. D. Gordon Esquire C. S. I.
Judicial Commissioner
in Mysore

To

The Secretary to the
Chief Commissioner.
of Mysore.

Sir,

With reference to your docket № 6719/533 dated 17th Ultimo, forwarding for my opinion the forms prescribed for stamps filed in the Courts, I have the honor to state that the existing Registers in Mysore and Coorg afford all the information required by the Government of India. I do not therefore consider it desirable to recommend the adoption of the new forms of Registers. Such a step will ensure no advantage, whilst it will entail the disadvantage of increasing needlessly the clerical work in the Courts.

+ Copies herewith sent — Nos. 8-9-18 and 20 and form B.

I have the honor to be
Sir,
Your most obedt. Servant

J. D. Gordon

Judl. Commissioner

Register showing the receipt of stamps and the costs incurred by the parties in original suits, executions and miscellaneous cases and Petitions.

| Serial number. | Number of the Case as per Register. | Plaintiff. Value of Stamps on petitions. | Value of other Stamps. | Process and other costs. | Value of Stamps on Review petitions | Total. | Defendant. Value of Stamps on petitions. | Process and other costs. | Value of Stamps on Review petitions | Total. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

J. D. Spratlan
Asst Registrar

No. 9.

Register of copies of Judgment, order &c., granted in the Court of. — — —

| Serial Number. | Name of the party applying and date of application. | Number and year of the case. | Name or nature of the document of which copy is required. | Whether certified copy or not. | Value of the stamp paper. | Amount of Copying fees | Date of payment and the signature of the payee. | When made over to Copyist. | Date on which copy was ready for delivery. | Date of delivery of the copy applied for. | Signature of the Applicant. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |

S. Dhardon
Ind Comm.

A.P.

No. 18.

— — — Court

Register shewing the receipt of Stamps and the costs incurred by the parties in Criminal Cases.

| No. of the Case. | Value of Stamps on petitions | | Value of other Stamps | | Process and other costs | | | Amount of fees under Section 31 of the Court fees Act. Amount awarded to Complainant. | | | Amount paid to Complainant and date of payment. | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Rs. | As. | Rs. | As. | Rs. | As. | P. | Rs. | As. | P. | Date | Rs. | As. | P. | |
| | | | | | | | | | | | | | | | |

J. P.

J. B. Jadon
Ind Pmm. Sr.

№ 20

Register shewing the receipt of stamps and costs incurred by the parties in appeal suits.

| Serial Number | Appellant. | | | | | | | Respondent. | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Number of the case as per Register | Value of stamps on memorandum of appeals. | Value of other stamps | Process and other costs. | Value of stamps refunded. | Value of stamps for interlocutory petitions | Total | Value of stamps on memorandum of objections | Value of other stamps. | Process and other costs. | Value of stamps on interlocutory petitions. | Total. | |
| 1 | | | | | | | | | | | | | |

J. D. Fordon
J. D. Pennell

Form B.

Daily Register shewing the number of Processes issued, and the Stamp fees collected in the Court of the - - - -

| Date of receiving application for issue of Process. | Number of Cause in which application for. | Date of Courts order on application. | Numbers and Nature of Process issued. | Amount of Stamp Fees Collected. | | | Date of delivering Processes to serving officer. | Name of serving officer. | Date of Return made thereto | Nature of Return | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | 2 | 3 | 4 | 5 | | | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | | |

N. B. A daily total should be made of the entries in Column 5.

J. B. Jordan
Ind Comm.r

I. & R

Resolution No. 3335 of
21st September 1877 of the
Government of India,
Financial department

Read—

No. 6719/538 of 17th Oct/77
to the Judicial Commissioner
requesting opinion as to
the necessity or expediency
of applying the forms
prescribed in the foregoing
Resolution to the Civil
and Criminal Courts in
Mysore & Coorg in lieu
of those now existing.

Letter No. 1821/181 of
3d November 1877 from do
stating that the existing
Regulations in Mysore & Coorg

afford all the information required by the Government of India and that no advantage will be gained by the adoption of the new forms.

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Editorial:—

The CC observes with regret that the existing forms, securing uniformity of practice in keeping the accounts of the fees × mentioned in the Court Fees Act, the Government of India have prescribed in each Court, but exhibit the aggregate fees realized daily on the two forms (I & II) levied and then realized as prescribed in the rules mentioned by the above Resolution, which in each case (original, appeal, miscellaneous or Execution)

× Form B relating to Processes
" D'g. Register of Civil Suits
prescribed.

are extended to show the
presentes by Govt are
fees realized daily is
enlarged to show the
Each Court. Form I
fees realized daily
(prescribed for Civil Courts)
in each Court under
is extended to show the
specified heads. It is
Court fees daily realized
understood that the
on account of processes,
present Forms, Nos 8 & 10,
Plaints &c. Columns 2
are compiled by reference
has been set apart
to the Records of each case
for Process Fees, in Col 8
and with the aid of
should be shown the
Rough Registers in which
Stamp duty paid on
the stamp realizations are
Plaints and Petitions
noted daily. In lieu of
and for copies of Judgments &c.
such rough registers and
in Column 6 has to be
with a view to secure
Entered the duty paid on
uniformity of practice
Letters of Administration
it is directed that form
Probates and Certificates
No I now prescribed by Govt
of Mysore, and in Col. 5
be kept in all the Civil Co
the fees paid on Miscellaneous
and Form No II in all
Plaints, Petitions &c
the Criminal Courts (in addition
to the existing Forms) from

1 January next.

Also for the Chief Commr.

2. Also Form II

Books, may be kept in the
is intended to show
Court Courts without
the Court has realized
Undertaking much labour,
in Revenue &c also,
had no fact it would
the C.C. apprehended
only replace the tough
that it is not suited
Regulation which appears to be
to the procedure of these
kept in lieu of the
Receipt &c which they
Courts, should the Stamp
regular cases such as
duty paid daily on
suits relating to Imposition
account of Plaints
rights, and for the stamp
Petitions &c for the
duties in such cases
purpose of preparing
being payable at the
Forms Nos 8 and 20.
same rates as those fixed
in Civil suits. Mr Saunders

In regard to Form II

desires, that for the
prescribed for adoption
forwarded with the
by the Commissioner and
Assuming the Forms & Rules
Revenue Courts Act
before as to the applicability
observed that the Forms
of the Form & Rec &c before

2 The Assessor does not
suppose that Form II
as prescribed by the Resolution
of the Govt of India also
Under, for the applicability
Rev Courts in this Province,
as it is not suited to the
procedure of these Courts
Which try regular cases
such as suits relating to
Impositary rights &c, and
levy Court Fees
Under this Court Fees
Land Rev Act Courts.
The question of
levying Form I but use in
the Rev Courts with
separate Receipts
Considered & dealt with,
the Assessor deems
the power with the
Revs of the Commr of
Ors on the point

Parish

is not limited to the
suits.
procedure of the Revenue
Courts in Mysore, which
lay regular cases
relating to rent
prospectary rights &c
the stamp duty on which
is payable as in Civil
Suits; and the Form
is not prepared so as
to show, in regard to
these cases, the details
which fall under the
several heads specified
in Form No I.

3. The Chief Commr
directs that the Forms
be adopted in the Civil
and Criminal Courts
in Mysore & Coorg

with effect from 1st January
1878. The application of
Patrick ~~H~~ to the Revenue
Courts will, if necessary,
be considered in future.

Secretary

To
The Judicial Commissioner in
" Commrs of Divisions.
" Collectors &c.
" Supt of Coorg.

## *Proceedings of the Chief Commissioner of Mysore, General Department, 29th November* 1877.

Government of India, Financial Department, Separate Revenue,—Stamps, No. 3335, Simla, the 21st September 1877.

READ the following papers, having reference to the question of the expediency of maintaining for all Courts the Register of Court Fees prescribed in para 11 of Financial Circular, No. 1817, dated 16th March 1870 :—

For the 2nd time—

Letter from Chief Commissioner, Central Provinces, No. 656—29, dated 23rd February 1875, and enclosure.
" to " " No. 2071, dated 10th April 1875.
" from " " No. 1427—65, dated 23rd April 1875, and enclosures.
Circular to Local Governments, No. 1643, dated 29th June 1875.

For the 1st time—

Letter from Chief Commissioner of British Burmah, No. 1091—228, dated 3rd October 1875.
" " Government of Bombay, No. 6496, dated 28th October 1875.
" " Chief Commissioner of Oudh, No. 4080, dated 11th November 1875.
" " " Ajmere, No. 770, dated 11th November 1875.
" " Government of Bengal, No. 9801, dated 27th November 1875.
" " Chief Commissioner of Assam, No. 4381, dated 22nd December 1875.
" " " Central Provinces, No. 15—3, dated 4th January 1876.
" " Resident at Hyderabad, No. 1265, dated 13th January 1876.
" " Government of Madras, No. 403, dated 2nd March 1876.
" " " of North-Western Provinces, No. 407A, dated 27th March 1876.
" " " of Punjab, No. 801, dated 28th March 1876.

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RESOLUTION.—By para 11 of Financial Resolution, No. 1817, dated 3rd March 1870, the Governor General in Council resolved that there should be maintained for each Court a Register of the fees levied under Chapter IV, and of those levied under the different Articles of Schedules I and II of the Court Fees Act. Subsequently it was indicated in Financial Notification, No. 2923, dated 5th August 1870, that these Registers need not be kept in great detail.

2. In 1875, a question was raised as to the expediency of continuing the Registers, and the opinions of the several Local Governments were invited on the subject.

3. From the replies received to that reference, it appears that the maintenance of the Registers is generally considered desirable.

4. The Hon'ble the President in Council is accordingly pleased to order the continuance of this Register, and, to secure uniformity, is further pleased to direct that it be kept in the following form :—

(For Civil Courts.)

I.

*Daily Register of Court Fees realized in the Court of the*

| Date. | Process Fees. | | Amount realized under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive. | | Amount realized under the same Schedule, Nos. 10 to 12. | | Amount realized under Schedule II. | | Total. | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | | 3 | | 4 | | 5 | | 6 | | 7 |
| | Rs. | A. | Rs. | A. | Rs. | A. | Rs. | A. | Rs. | A. | |
| | | | | | | | | | | | |

*Proceedings of the Chief Commissioner of Mysore, General Department, 29th November 1877.*

(For Revenue and Criminal Courts.)

II.

*Daily Register of Court Fees realized in the*

| Date. | Process Fees. | | Other Fees. | | Total. | | Remarks. |
|---|---|---|---|---|---|---|---|
| | Rs. | A. | Rs. | A. | Rs. | A. | |
| | | | | | | | |

5. It is to be observed that the entries are not to be made in detail, but only so as to shew, in the case of the Civil Courts, the aggregate value of the stamps filed in the Court during each day under each of the four classes indicated, and in the case of the Criminal and Revenue Courts the total daily receipts from process fees and other fees. The entries should be initialled daily by the presiding Officer.

ORDERED, that the foregoing Resolution be communicated to the several Local Governments and Administrations for information and guidance.

E. J. SINKINSON,
Offg. Under-Secretary to the Government of India.

To—The Chief Commissioner of Mysore.

---

READ—

No. 6719—533, dated 17th October 1877, from the Judicial Commissioner requesting opinion as to the necessity or expediency of applying the forms prescribed in the foregoing Resolution to the Civil and Criminal Courts in Mysore and Coorg in lieu of those now existing.

From the Judicial Commissioner in Mysore—To the Secretary to the Chief Commissioner of Mysore,
No. 1821—181, dated Bangalore, 3rd November 1877.

With reference to your docket No. 6719—533, dated 17th ultimo, forwarding for my opinion the forms prescribed for stamps filed in the courts, I have the honor to state that the existing * Registers in Mysore and Coorg afford all the information required by the Government of India. I do not therefore consider it desirable to recommend the adoption of the new forms of Registers. Such a step will ensure no advantage, whilst it will entail the disadvantage of increasing needlessly the clerical work in the Courts.

* Copies herewith sent. Nos. 8, 9, 18, and 20, and form B.

No. 7756—200, DATED BANGALORE, 29TH NOVEMBER 1877.

ORDER THEREON.—The Chief Commissioner observes that the existing forms with the exception of those noted in the *margin, do not shew the fees realized daily in each Court, but exhibit the aggregate fees levied and other costs incurred by plaintiffs and defendants in each case (original, appeal, miscellaneous or execution) but the forms now prescribed by Government are intended to shew the fees realized daily in each court under specified heads. It is understood that the present forms Nos. 8 and 20 are compiled by reference to the records of each case, and with the aid of rough registers in which the stamp realizations are noted daily. In lieu of such

* Form B relating to Processes. No. 9, Register of copies granted.

rough registers and with a view to secure uniformity of practice it is directed that Form No. 1 now prescribed by Government be kept in all the Civil Courts and Form No. II in all the Criminal Courts (in addition to the existing forms) from 1st January next.

2. The Chief Commissioner does not propose to make Form II, as prescribed by the Resolution of the Government of India above recorded, applicable to the Revenue Courts in this Province, as it is not suited to the procedure of these Courts which try regular cases such as suits relating to proprietary rights, &c., and levy fees according to the scale laid down for Civil Courts. The question of bringing form I into use in the Revenue Courts will be separately considered and dealt with, and the Chief Commissioner desires to be favored with the views of the Commissioners of Divisions on the point.

T. CLARKE.
*Secretary.*

To—The Judicial Commissioner in Mysore and Coorg. Six spare copies
" Commissioners of Divisions. Three spare copies
" Deputy Commissioners of Districts. One " "
" Superintendent of Coorg. Two " "

38 Copies despd
1 To Asst Secy
1 attached to draft
8 Reserve
48

9/569

Gen'l Circulars. 1877

# GOVERNMENT OF MYSORE.

## GENERAL.

No.

THE JUDICIAL COMMR. IN MYSORE AND COORG.
COMMISSIONERS OF DIVISIONS.
DY. COMMISSIONERS OF DISTRICTS.
SUPERINTENDENT OF COORG.

*Dated* November 29th

*Despatched*

*Received*

No. 7756.
200.

Directs that the new forms of registers of Court Fees Stamps prescribed in the accompanying Resolution of the Government of India, Financial Department, be adopted in all the Civil and Criminal Courts of Mysore and Coorg from 1st January 1878, and calls for the opinion of the Commissioners of Divisions as to their introduction into the Revenue Courts.

Coorg Superintendent's Office

No 646/359 -

From

The Superintendent
of Coorg

To 65 78-7 2/0

The Secretary
to the Chief Commissioner
Duftur Department
Bangalore

Dated 16th January 1878

Sir

With reference to the Proceedings of the Chief Commissioner dated 29th November 1877 No 1756/200 calling for opinion regarding the introduction into the Revenue Courts in Coorg of the new forms of Registers of Court Fee Stamps directed in Resolution of the Government of India Financial Department No 3335 dated 21st September 1877 to be adopted in all the Civil and Criminal courts of Mysore & Coorg from 1st January 1878, I have the honor to submit that Form I is more suitable for Revenue Courts than form II as the procedure in Revenue cases is similar to that in Civil cases.

I have the honor to be
Sir
Your most Obedient Servant
H. S. Thomas
Superintendent

9/569

Reminder may be sent to Offrs who have not replied to this Govt No 7756 of 29-Nov/77 200

Yes

26-1

Reminder 26/1

Dept

Section 64:

File No. 5 of 1875

Serial No. 7

Regd No 3547

Revenue 53.

187 7-8

From,

The Superintendent of Coorg.

To,

The Secretary to the Chief Commissioner,

Judicial Department

Bangalore.

Dated 14 January 1878

Despatched

Received 16/1

Enclosure No.

General No. 646 } 187 — 7.

Subject.

Submits opinion called for regarding the introduction into the Revenue Courts in Coorg of the new forms of registers of Court Fee Stamps ordered by Resolution of the Government of India to be adopted in all the Civil Courts of Mysore & Coorg

Criminal

Revenue Dept

Have no objection from this office to the No 7756 now addressed

19/1

No objection received

No 1450 1878. C.S. 1084.

126

From The Offg: Dy Commissioner
Shimoga Divn

To

The Secretary to Chief Commissioner,
General Department.

Dated 6th February 1878.
Despatched
Received 11 2 12

ENCLOSURES NO Nil

General No. 357 } 1877—78.
No. 7

Chief Commissioner's Proceedings
No. 7756/200 and reminder
No. 9534/239 dated 29th November
1877 and 31st January
1878 respectively.

With reference to the above
has the honor to state that
the Deputy Commissioner's
opinion on the subject
therein alluded to was
submitted to the Com-
-missioner in this Office
No. 1040 dated 5th January 78
a copy of which is herein
enclosed for your information

M Cunningham
Offg: Dy Commissioner
Shimoga Divn

Sky

to
Dr Carstairs
Offg
11-2-78
12-2-78

C.S.
5 of 1878

This may be
an pending refs
from Nagara &
when reminder &
act to spare

CM
13/2

When first ref was rec.
a reminder was
sent to Nagara.

NB
14.2.78

Transfer
14/2

This refs is from
Offg. as no refs
was rec from Nagara
a reminder was issued.
Before this or your
refs from Nagara was
rec. So there was
no mistake.

CM
15/2

Seen.

NB
16.2

Record
18/2

No. 1040.

Shimoga (District)
Deputy Commissr's Office
5th January 1878
Despd 7th January 1878

To

The Commissioner of
Kagar

Sir,

With reference to your circular No 496 of 13th Ult: I have the honor to state that I see no objection to the introduction of form No 1 (Daily Register of Court Fees realized) into the Revenue Courts. But the form shews the total amount realized daily, without details and unless a detailed Register is kept shewing on what petitions, the amounts were realized, there will be no data to check the correctness of the amounts entered in the form. A column headed "Value of Court fees labels attached", should therefore I think be opened in the petition Register of each Revenue Court and the total of this should be posted daily

to

to the proposed Register. The 4th Column, "Amount realized under Schedule I - articles 10 to 12" does not apply to Revenue Courts.

I have the honor to be
Sir
Your most Obedient Servant
/sd/ H. E. Motett
Dy Commissioner

"True Copy"

E. Arumainakkanar

For Offg Dy Commissioner
Shimoga District

1875 C. 3422
321

From Resident Travancore & Cochin

To Secretary to Chief Commissioner, General Department. Gl. No. 5603 Rs. 1444

Dated 6th February 1878.

Despatched

Received 8th " "

ENCLOSURES NO

General No. } 1877—78
No.

Section 64
File No 5 of 1875
Serial No 10

Accounts of expenses to be incurred on account of the Record Room of Register of Court Fees Stamps presented by the Govt. of Cochin

To Dr Nathan
11.2.78
5.45 pm Immediate
Note for summary
Refers case 5 of 1875
Dr
Ltr 12/2
Returns Govt Cochin Comments
of Rabi Pangam & Dy Comm
Comm Still Dues
12/2/78
Returned w Dft. Ltr
Refers Govt Cochin
Papers are due

No. 620 of [illegible]

MYSORE COMMISSION

Commissioner's Office
Dated 8th February 1878

To

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

With reference to the Chief Commissioner's Proceedings No. 2756/200 of the 29th November last and your docket No. 9534/239 of the 31st Ultimo calling for opinion as to the introduction into the Revenue Courts of the new form of Register of Court Fees Stamps prescribed by the Government of India I have the honor to state for the information of the Chief Commissioner that Form No. I with the following modifications may suitably be introduced for use in the Revenue Courts:- Columns 3 and 5 to have sub columns to distinguish the realizations under the several clauses of Schedules I and II- Column 4 to be omitted as it is not applicable to the Revenue

Revenue Courts.

I have the honor to be
Sir,
Your Most Obt. Servant
Wm. H. Clay
Ch. Commissioner

1878. C.S. 1/10. 122

From The Commissioner
Kajah division
S-9-5641
Num 1456.

To
The Secretary to the Chief Commissioner
General Department.

Dated 7th February
Despatched 9th "
Received 12 "

Enclosures No. 4

General No. 1181 } 1877
Ry No. 2085 }

Ref. Reference to the Chief Commissioner's Proceedings Re-
-ceived 29th November
last, from the Commr. of Salt
Land &c introduction of the
Regulation &c of Court-fees into
the Revenue Courts is advo-
-cated by all the Deputy
Deputy-Commissioners, and
I concur with them in its
desirability

2. The Deputy Commissioners
Shimoga and Kadur say-
-est that the 4th heading
may be omitted as articles
10 & 12 Schedule I of the
Court fees Act do not

affg to the Revenue Courts. As however it causes no inconvenience in writing up the Registers, the Column may be allowed to stand.

3. The Depty Commissioner of Munjpd concedes that in order to enter the total daily in this Register a separate Rough Register should be opened of the value of Stamps affixed to Petitions &c recorded in the Register of Petitions. The latter course would be likely to answer well and therefore in my opinion should be adopted.

I have the honor to be
Sir
Your most obedient Servant

W. Hill
Offg. Commissioner
Nagar Division

Camp Chintadrupet

A.

No 2654
274

Mysore Jud[l] Commissioner's Office
Bangalore 9th February 1878.

From
Colonel J. L. Pearse
Offg Judicial Commissioner
in Mysore.

64 No
5 of 1878
12

The Secretary to the
Chief Commissioner
of Mysore

Sir,

With reference to your Circular No. 95-34/239 dated 31st Ultimo, I have the honor to state that as no expression of the Judicial Commissioner's opinion was called for in the Chief Commissioner's Proceedings, no communication was submitted on the subject of the adoption of the Court fees Register forms by the Revenue Courts.

I have the honor to be
Sir,
Your most Obed[t] Servant.

Offg Jud[l] Commissioner

9
S 69

8-2-25643
M 4458. 1877-78 05205
240

From

To The Offg. Jud. Commissioner in Mysore.

Secretary to Chief Commissioner,
General Department.

Dated 7th February 1878.

Despatched 12 " "

Received

ENCLOSURES NO.

General No. 2654
No. 274 } 1877-78

With reference to his Circular No. 9534/239 dated 31st ultimo, states that as no expression of the Jud. Commrs opinion was called for in the Chief Commrs Proceedings, no communication was submitted on the subject of the adoption of the Court fees Register forms by the Revenue Courts.

E. Rice

12. 2. 78

12/2/78

Memorandum
Put up the file
Complete, please

5/1/1878

12/2/78.

Both letters have been received
Continue Secretariat
on 28th -

The reply from Asst. Commr may be awaited to whom a reminder was sent on the 20th inst.

Yes
1.3.78

28/2

1878. C. 95 34
110

From The Dy Commissioner
To Cardistrict

Secretary to Chief Commissioner,
General Department.

Dated 17th February 1878
Despatched 19th February 1878
Received 20th February 1878

ENCLOSURES NO 1

General No. 3089 } 187 7—78.
No. 2131 }

Cir.
Secretary's D.O. 9534
dated 31st Decr 1877.

In reply, has the honor to submit copy of this office docket to the Commissioner No. 2564/1059 dated 13th December 1877 in reply to the Chief Commissioner's proceedings No. 7756/290 dated 29th November 1877 calling for opinion as to the introduction into the Revenue Courts of the new forms of Registers of Court Fee Stamps prescribed by the Government of India

D Krishnaraja
Dy Commissioner
Cardistrict
Camp at Bettangala 20-2-78

1877

From The Deputy Commissioner
To Kolar District.
The Commissioner
Dated 13th Vaidyadro 9 Division
Despatched } December 1877.
Received }

Enclosures No
General No. 2564
No. 1059 } 1877/78

The Commissioner's Jj°. 514 of the 10th Instant inviting opinion as to adopting Form No. 1 of Register of Court Fees Stamps in the Revenue Courts.

The undersigned begs to state that the form may

may be brought into use in the Revenue Courts also omitting column 4 in it as it relates solely to Civil Courts.

[Signed] B Krishnaiyar

Deputy Commissioner
Kolar District

True Copy
B Krishnaiyar

Deputy Commissioner
Kolar District.

Petitioner, a trade for S-69
Indian
897
28/2
Yes Int. – Please
see note on file 5 Feb
herewith Petition

Mun 1538 1877.78 106

From Chief Commissioner's Office Rangoon

To

Secretary to Chief Commissioner,
General Department.

Dated 22? February 78

Despatched

Received 25 Feb 78

ENCLOSURES NO none

General No. 1251 } 1877—78.
No.

64.
5 of 1875
15

Chief Commissioner's
Proceedings No: 95 34 dated
239
31st January 1878, calling
for opinion as to the intro-
duction into the Revenue
Courts of the new forms of
Registers of Court Fees Stamps.

I respy, has the honor to state that the under-signed sees no reason why they should not be intro-duced

for Chief Commissioner
Rangoon

Secretary
Chief Commissioner
Rangoon

Recd 25-2-78 & fwd to the Secretary to the Chief Commissioner
[illegible] 27.2.78

Encl. 143 05550

1878. 29t

From

The Commr Nilgiri Dn

To

Secretary to Chief Commissioner,
General Department.

Bangalore

Dated 4th March 78.

Despatched 5 " 1878

Received 7 "

ENCLOSURES NO 16.

General No. 670 } 1877—78
No. 253

Sir, Referring to para 2, of the printed proceedings of the Chief Commissioner No. 7756 dated 29th November 1877, calling for opinion on the subject of introducing into the Revenue Courts, new forms of Court fees Stamps, especially No. I— therein alluded to, I have the honor to state for the information of the Chief Commissioner that the form in question may be adopted in all the Revenue Courts in this division with advantage. The Deputy Commissioner Hassan concurs in this. The Deputy Commissioner of Mysore is of opinion for reasons not explained that it is not needed.

I have the honor to be,

Sir,

Your most obedt Servt

[illegible]

To be placed in File.

# O. or M.

No. 11098/57

Date 16-3-78

From

on

To Finl

31-10-78

Oto:
5 Y 1875
17

To be placed in File.

**O. or M.** 4

No. 123

Date 27-4-78

From Finl

To Filed 31-10-81

Com to: 5 of 1875 18